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Reports of UNDP, UNFPA and UNOPS ethics offices

Activities of the UNOPS Ethics Office in 2016

Report of the Ethics Office

Summary

The UNOPS Ethics Officer provides the present report annually to the Executive Director, pursuant to UNOPS organizational directive number 15, paragraph 43. The report is submitted to the Executive Board at its annual sessions, pursuant to Board decision 2010/17.

The Ethics Panel of the United Nations has reviewed the report, in accordance with section 5.4 of the document, United Nations system-wide application of ethics: separately administered organs and programmes (ST/SGB/2007/11, as amended). The UNOPS Audit Advisory Committee has also reviewed the report.

The report covers the period from 1 January to 31 December 2016.

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I. Introduction

1. The present report, the eighth since the establishment of the Ethics Office as a separate entity in UNOPS at the end of January 2009, is submitted annually to the Executive Director of UNOPS and the Executive Board of UNDP, UNFPA and UNOPS.

2. In accordance with the mandate of the Ethics Office to promote the highest standards of integrity and to foster a culture of ethics, transparency and accountability within UNOPS, the present report provides an overview and assessment of the work of the Ethics Office in relation to its areas of responsibility over the reporting period, 1 January to 31 December 2016.

II. Background and general information

3. The Ethics Office was established as an independent office within UNOPS pursuant to the Secretary-General's bulletin (ST/SGB/2007/11, as amended).

4. The main responsibilities of the Ethics Office include:

(a) administering the UNOPS financial disclosure programme;

(b) undertaking the responsibilities assigned to it under the UNOPS policy for the protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations;

(c) developing standards, training and education on ethics issues, in coordination with the People and Change Group, and other entities as appropriate, and conducting ethics outreach;

(d) providing confidential advice and guidance to staff on ethical issues (such as conflicts of interest), including administering an ethics helpline; and

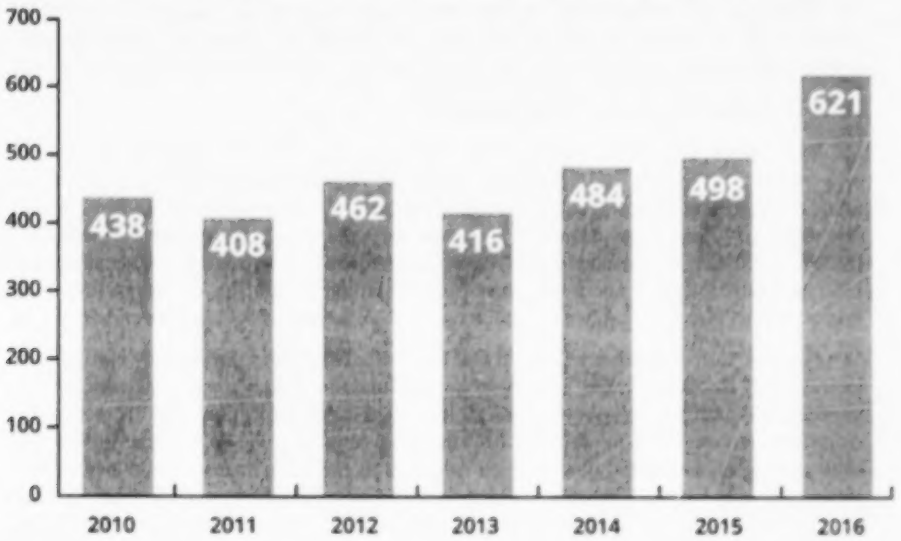
(e) supporting ethics standard-setting and policy coherence within the United Nations system.

5. In accordance with its core mandates, the Ethics Office assists the Executive Director in ensuring that all staff conduct themselves with integrity and professionalism and uphold the Charter of the United Nations. The office seeks to nurture and sustain an organizational culture committed to ethics and accountability, with the aim of enhancing both the credibility and the effectiveness of the United Nations.

6. The Ethics Office was strengthened in December 2015 with an ethics advisor at the P5 level. The new position is full-time and based in Copenhagen.

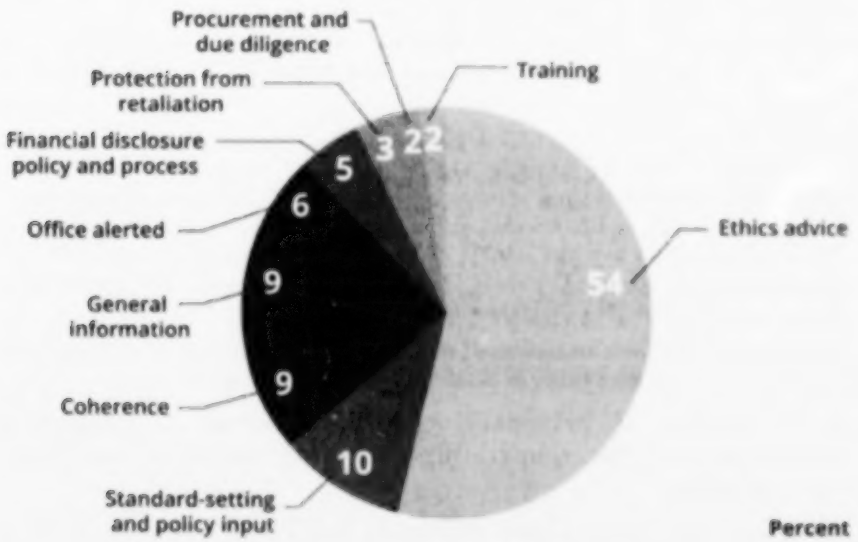
7. Reflecting its role as a consultative, impartial and service-oriented resource within UNOPS, the Ethics Office handled a total of 621 matters from 1 January 2016 to 31 December 2016. This represented an increase in the number of requests for services received by the office as compared with the preceding reporting period. Figure 1 depicts the comparison of the respective figures for the period 2010-2016.

Figure 1. Comparison of requests for services by reporting cycle, 2012-2016



8. Requests for services received during 2016 covered a broad range of ethics matters, including the permissibility of outside activities; acceptance of gifts/hospitality; policy advice; standard-setting support; and protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations. Figure 2 below provides a breakdown of requests by category.

Figure 2. Volume of requests for services by category, 2016



III. Activities of the Ethics Office

9. The areas of responsibility of the Ethics Office collectively support its strategic objective of promoting an ethical organizational culture that enhances organizational integrity, accountability, efficiency and productivity.

A. Financial disclosure programme

10. The Ethics Office is mandated to administer the UNOPS financial disclosure programme as a means of identifying, managing and mitigating personal conflict-of-interest risks. The overall goal of this programme is to strengthen public trust in the integrity of the organization. Pursuant to the Secretary-General's bulletin (ST/SGB/2007/11, as amended), UNOPS organizational directive number 23 and advice from the Ethics Officer, personnel identified as falling within the categories listed in organizational directive number 23 were required to file annual disclosure statements.

11. Pursuant to the increasing concern that asset disclosure does not identify conflicts of interest very successfully, is expensive considering the limited results it achieves, is unnecessarily intrusive, wastes a considerable amount of personnel time, and distracts from work for no substantial purpose, UNOPS, after discussing these views for some time in the Ethics Panel of the United Nations, and raising it at the 2016 annual conference of the Ethics Network of Multi-Lateral Organizations, has adopted on a pilot basis a new financial disclosure and conflict of interest form in 2016. The main aim is to help better identify and more effectively manage actual, potential and perceived conflicts of interest.

12. The new form uses simpler terminology than the old form and, for the first time, the form and supporting documents are available in all three UNOPS working languages: English, French and Spanish. The new form is provided in an online platform developed by the UNOPS in-house information and communications technology development team. It includes 'accordion' questions, where a positive response to one question automatically triggers related follow-up questions, thus significantly reducing the need for extensive follow-up questions by email after review of the completed forms. The form recognizes modern relationships and is extended to include questions regarding filers' 'domestic partners' and not just spouses. Above all, the questions are phrased to increase awareness of possible conflicts of which recipients had so far been unaware, or had thought unimportant. In this regard, the Ethics Office was very pleased to note the direct interest taken by the Executive Director in the new form, including a detailed review of the questions.

13. The filing process started later in the year than usual, given UNOPS adoption of a new enterprise resources planning system in 2016. The new approach required considerable work, both in terms of substance and technology. At the writing of this report, the pilot is still ongoing. UNOPS can confirm, however, that all 713 personnel required to file a financial disclosure and conflict of interest statement have done so. The filed statements are currently being reviewed by an external service provider in accordance with new guidelines drawn up by the Ethics Office.

14. UNOPS will provide an analysis of the pilot approach to the Executive Board in the annual report of the Ethics Office in 2017.

B. Protection of personnel against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

15. Pursuant to the Secretary-General's bulletin (ST/SGB/2007/11, as amended), the Ethics Office is mandated to implement the United Nations policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or

investigations. In accordance with UNOPS organizational directive number 35, the Ethics Office receives complaints of retaliation and conducts preliminary reviews to determine whether a complainant has engaged in protected activity and, if so, whether the protected activity was a factor contributing to the alleged retaliation. On the basis of its preliminary review, should the office determine that there is a prima facie case of retaliation, the matter is referred to the Internal Audit and Investigations Group (IAIG), or to an alternative investigating mechanism, if required, for formal investigation.

16. Pending the completion of a referred investigation, the Ethics Office may recommend to the Executive Director that interim protection measures be implemented to safeguard the interests of the complainant. The office will make a final recommendation to the Executive Director for her determination subsequent to receipt and assessment of the completed investigation report and evidentiary materials.

17. In the reporting year 2015, after an investigation by IAIG, and the review of the investigation report and its supporting materials, the Ethics Officer had referred a request for protection to the Executive Director with his recommendation. This matter was outstanding at the end of the last reporting period, and as such the Executive Board was not informed of the result in the 2015 report. After reviewing the IAIG report and the recommendation of the Ethics Officer, the Executive Director rejected the staff member's request for protection. The staff member was informed in early 2016.

18. In 2016, the Ethics Office received four requests for protection against retaliation. One was a request from a colleague who initially approached the Ethics Office to report the alleged mismanagement of a project. The Ethics Office liaised with other units to have those claims investigated discreetly. Some months later, the whistleblower claimed he had suffered from retaliation, which had taken the form of contractual changes. The Ethics Officer was able to establish that the contractual changes were to the advantage of the whistleblower and reassured the colleague that there had been no retaliation.

19. The three other requests for protection against retaliation originated from a single unit over a period of several months. In the first case, the Ethics Officer found a prima facie case of retaliation, and referred the matter to IAIG for investigation. After a very thorough investigation, IAIG concluded that UNOPS was unable to prove through clear and convincing evidence that the detrimental action suffered by the complainant was not tainted by an improper motive of retaliation. The Ethics Officer concurred with the report's conclusions and made a corresponding recommendation to the Executive Director. In the two other cases, the Ethics Office found no prima facie case of retaliation as neither complainant had engaged in a protected activity, but the Ethics Office did find that one of them had suffered 'spillover retaliation' as a result of his association with the original complainant.

20. The alleged retaliator admitted retaliation and accepted an agreed sanction that resulted in separation from the organization. During the process, the original complainant's contract was continuously renewed to effect protection; afterwards, the complainant accepted a new assignment in a popular duty station working for a director in whom the complainant had expressed trust and who was aware of the retaliation. After three months in the new position, the complainant resigned, citing stress. Because the colleague had suffered from spillover retaliation, the Executive Director corrected the consequences of the retaliation and the colleague in question continues to work with UNOPS. The Ethics Office also provided continuing confidential support to the third colleague from the same unit who had not suffered retaliation, within the terms of UNOPS organizational directive number 35, but was deemed to be in a vulnerable position during the process. That colleague continues to work with UNOPS.

21. Effective implementation of the protection against retaliation policy remains an essential means of promoting an organizational culture that encourages staff to speak out

against behaviour that places the reputation and standing of UNOPS at risk. In addition to the thorough and timely review of received retaliation complaint cases, the Ethics Office will continue to articulate the purpose, scope and availability of the protection against retaliation policy to personnel. The Ethics Office considers raising awareness of the policy as one means of preventing retaliation. The Ethics Office further notes that the retaliation case discussed above was one of the factors that led the Executive Director to create a task force to review and improve the policies governing how grievances are handled in UNOPS. The task force included the People and Change Group, the Legal Group, IAIG and the Ethics Office.

C. Outreach, training and education

22. UNOPS provides online ethics training via the online learning programme known as Integrity Awareness Initiative, which is directed at personnel at all levels and focuses on core values and standards of integrity to be observed in the workplace.

23. The Executive Director has decided to further strengthen the ethics function in 2017, so as to continue fostering a culture of ethics, integrity and accountability. To enable that enhancement, UNOPS has budgeted funds for administrative support and a new online onboarding ethics course, (in addition to the extra funds allotted at the end of 2015 for the appointment of an ethics adviser at the P5 level). UNOPS will report to the Executive Board on the implementation of this new course, and its impact, in its annual report of the Ethics Office 2017.

24. In 2016, the Ethics Advisor presented a number of training sessions to colleagues from both the field and headquarters. These included co-presenting with the Internal Audit and Investigations Group two interactive ethics training sessions to field colleagues attending the project management foundation course, and giving a presentation on sexual exploitation and abuse at the retreat of the Cote d'Ivoire operations hub. The Ethics Advisor also wrote and presented the ethics-in-procurement segment of the three-day training in procurement operations training, and gave a presentation to the Procurement Group on the function of the Ethics Office.

25. The Ethics Officer receives the agendas of senior management meetings, namely, those of the Corporate Operations Group, and decides whether to attend as an observer. In 2016, he attended most meetings. He also attended the global management meeting at headquarters. The Ethics Officer continues to support the Internal Audit and Investigations Group and other headquarters groups' initiatives in anti-corruption and identification of risk in procurement. The Ethics Office cooperated with the Internal Audit and Investigations Group in the production and holding of the annual survey on integrity, ethics and anti-fraud. The Ethics Office also cooperated with consultants engaged by the Risk and Quality Group to examine fraud risk in UNOPS. Finally, the Ethics Advisor worked with the People and Change Group on the standards of conduct and ethics segment of their training course for human resources practitioners and with the Procurement Group on the revision of the ethics section in the procurement manual.

D. Advice and guidance

26. The ethics advisory function is a key element in United Nations efforts to protect and bolster its reputation for integrity. Pursuant to its advisory mandate, the Ethics Office provides confidential ethics advice and guidance to staff, management, departments and offices in order to ensure that decision-making is consistent with the values, principles and rules of the United Nations. This function serves to prevent, mitigate and resolve actual or perceived conflicts of interest and, in doing so, enhances the integrity of UNOPS and its personnel.

27. Demonstrating the significance of the advisory function of the Ethics Office, 54 per cent of all requests for services during the reporting period pertained to ethics

advice (see figure 2). During the period under review, the office received 337 requests for advice services on a wide range of ethics-related concerns. Figure 3, below, shows the categories into which requests for advice are classified (2015 percentages in parenthesis for comparison): outside activities, 24 per cent (18); allegations of misconduct, 6 per cent (12); other conflicts of interest, 3 per cent (2); financial disclosure, 34 per cent (27); employment-related concerns, 22 per cent (26); post-employment restrictions, 2 per cent (1); and gifts and hospitality, 9 per cent (14). There has been a noticeable increase in reported employment-related concerns since the launch of the speak-up campaign. A noticeable trend in 2016 was the increase in the number of consultations of the Ethics Office at the time of recruitment, at the behest of human resources practitioners who had identified a potential conflict of interest in the case of proposed new colleagues.

28. The advice and guidance provided by the Ethics Office during the reporting period included clarification or interpretation of UNOPS regulations, rules and standards concerning prohibited or restricted activities, and, of course, ethical dilemmas. Through inter-organizational consultation and coordination with, inter alios, General Counsel and the members of the People and Change Group, the Procurement Group and the Internal Audit and Investigations Group, the Ethics Office sought to provide policy support and guidance in relation to the interpretation and implementation of organizational standards.

Figure 3. Requests for ethics advice, 2016

E. Assistance to other organizations

29. In accordance with its mandate to provide services to other United Nations organizations, UNOPS provided an ethics function to the World Tourism Organization (UNWTO). The Ethics Officer assisted the United Nations Children's Fund by acting as interim Principal Adviser in its Ethics Office from 1 December 2015 until 8 February 2016.

IV. The Ethics Panel of the United Nations and the Ethics Network of Multilateral Organizations

30. The United Nations Ethics Committee, later renamed the Ethics Panel of the United Nations, was established by Secretary-General's bulletin (ST/SGB/2007/11, as amended), which entered into force on 1 December 2007. The panel is mandated to establish a unified set of ethical standards and policies for the United Nations Secretariat and for the separately administered funds, programmes and specialized agencies, and to consult on certain important and particularly complex cases and issues having United Nations system-wide implications. In 2016, the UNOPS Ethics Officer participated in all ten panel meetings.

31. In accordance with the Secretary-General's ongoing promotion of system-wide collaboration on ethics-related issues, including with United Nations funds, programmes and specialized agencies, and other interested entities, the Ethics Network of Multilateral Organizations (originally called the United Nations Ethics Network) was established on 21 June 2010. The Ethics Network was founded within the framework of the United Nations System Chief Executives Board for Coordination in order to promote system-wide collaboration and coherence in the area of ethics and integrity, with the participation of ethics officers and related professionals from the United Nations Secretariat, United Nations funds, programmes and specialized agencies, and selected international financial institutions.

32. The Ethics Officer, in his capacity as Ethics Officer of UNWTO, and as Vice-Chair of the Ethics Network of Multilateral Organizations (ENMO) for 2016, organized the annual meeting of ENMO, held in Madrid from 12 through 25 July 2016.

33. Full information on the work of the Ethics Panel of the United Nations and the Ethics Network is provided in the report of the Secretary-General on the activities of the [United Nations] Ethics Office (document A/71/334).